

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	4:09CR3117
Plaintiff,)	
)	
v.)	MEMORANDUM AND ORDER
)	
TRAVES RUSH, and MARCUS)	
SHORT,)	
)	
Defendants.)	

The defendants have moved to continue the pretrial motion deadline currently set for January 6, 2010. Filing Nos. [33](#) & [34](#). Defense counsel explain they need additional time to review discovery, confer with their clients, and determine if pretrial motions should be filed. Based on the showing set forth in the defendants' motions, the court finds the motions should be granted.

IT IS ORDERED:

- 1) The defendants' unopposed motions to continue, (filing Nos. [33](#) & [34](#)), are granted and the defendants' pretrial motions and briefs shall be filed on or before January 11, 2010.
- 2) The ends of justice will be served by granting defendants' motions to continue the pretrial motion deadline, and outweigh the interests of the public and the defendants in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between January 6, 2010 and January 11, 2010, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

- 3) The trial of this case remains set to commence on January 25, 2010 before Judge Warren K. Urbom.

DATED this 7th day of January, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge